

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: James M. Holden; William A. McGahan; Richard A. Yarussi; Pablo I. Rovira; and Roger R. Lowe-Webb  
Assignee: Nanometrics Incorporated  
Title: Apparatus and Method for the Measurement of Diffracting Structures  
Serial No.: 09/670,000 Filing Date: September 25, 2000  
Examiner: Chih-Cheng Glen Kao Group Art Unit: 2882  
Docket No.: NAN022 US Confirmation No.: 3656

Santa Clara, California  
June 16, 2004

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

This Response to Office Action is responsive to the March 17, 2004, Office Action, which has a statutorily shortened period for response that ends June 17, 2004. Please enter the following amendments before taking action on the merits of the above-referenced application.

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06-18-04

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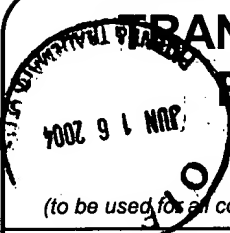
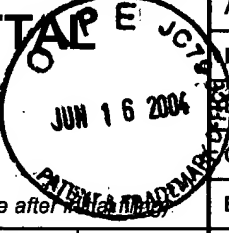
PTO/SB/21 (08-00)

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Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

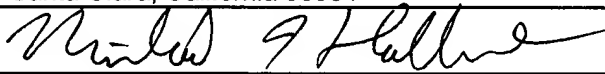
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 		Application Number	09/670,000
		Filing Date	September 25, 2000
		First Named Inventor	James M. Holden
		Group Art Unit	2882
		Examiner Name	Chih-Cheng Glen Kao
Total Number Of Pages In This Submission	31 pages	Attorney Docket No.	NAN022 US

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers (for an Application)   | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached   | <input checked="" type="checkbox"/> Formal Drawing(s) (2 sheets with Figs. 1, 3, and 4)                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment / Reply (11 pages)                                      | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input checked="" type="checkbox"/> Affidavits/declarations (3 pages with 5 exhibits having 13 pages) | <input type="checkbox"/> Petition to Convert to a Provisional Application                                     | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Terminal Disclaimer  | * Return Receipt Postcard  |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                       | <input type="checkbox"/> CD, Number of CD(s) _____  |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application                            | Remarks   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53                          |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Michael J. Halbert (Reg. No. 40,633) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054
Signature	
Date	June 16, 2004

Express Mail Label No.: EV 450 194 693 US

complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Arlington, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

# FEE TRANSMITTAL FOR FY 2004



Patent fees are subject to annual revision.

## Complete if Known

Application Number 09/670,000  
 Filing Date September 25, 2000  
 First Named Inventor James M. Holden  
 Group Art Unit 2882  
 Examiner Name Chih-Cheng Glen Kao  
 Attorney Docket No NAN022 US

TOTAL AMOUNT OF PAYMENT

(\$0.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge any underpayment or credit any overpayments to:

Deposit Account Number 50-2263

Deposit Account Name Silicon Valley Patent Group LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20** = 0	x 9 = \$0	
Multiple Dependent	- 3** = 0	x 43 = \$0	
		140 = \$0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claims, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0.00

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per properties (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0.00

## SUBMITTED BY

Name (Print/Type) Michael J. Halbert

Registration No. 40,633  
(Attorney/Agent)

## Complete (if applicable)

Telephone (408) 982-8200 ext. 2

Signature

*Michael J. Halbert*

Date June 16, 2004